

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JUSTIN E. SCHURAWLOW,	:	
	:	
Plaintiff,	:	CIVIL ACTION NO. 20-3493
	:	
v.	:	
	:	
KYLE RUSSELL – Warden; AMANDA	:	
BENNER – PrimeCare HSA; and	:	
DR. DEBORAH WILSON – PrimeCare	:	
Physician,	:	
	:	
Defendants.	:	

ORDER

AND NOW, this 12th day of August, 2020, after considering the application for leave to proceed *in forma pauperis*, prisoner trust fund account statement, and complaint filed by the *pro se* plaintiff, Justin E. Schurawlow (Doc. Nos. 1–3); and for the reasons set forth in the separately filed memorandum opinion, it is hereby **ORDERED** as follows:

1. The application for leave to proceed *in forma pauperis* (Doc. No. 1) is **GRANTED** and the plaintiff has leave to proceed *in forma pauperis*;
2. Justin E. Schurawlow, #195593, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The court directs the warden of Lehigh County Prison or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Schurawlow’s inmate account, or (b) the average monthly balance in Schurawlow’s inmate account for the six-month period immediately preceding the filing of this case. The warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this order to the court with a reference to the docket number for this case. In each succeeding month when the amount in Schurawlow’s inmate

trust fund account exceeds \$10.00, the warden or other appropriate official shall forward payments to the clerk of court equaling 20% of the preceding month's income credited to Schurawlow's inmate account until the fees are paid. Each payment shall refer to the docket number for the case;

3. The clerk of court is **DIRECTED** to **SEND** a copy of this order to the warden of Lehigh County Prison;

4. The complaint (Doc. No. 2) is **DEEMED** filed;

5. Schurawlow's claims against Kyle Russell ("Russell") are **DISMISSED WITHOUT PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii);

6. Schurawlow is given **thirty (30) days** from the date of this order to file an amended complaint if he can allege additional facts to state a plausible claim against Russell for deliberate indifference to his serious medical needs. Any amended complaint shall identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint, shall state the basis for Schurawlow's claims against each defendant, and shall bear the title "Amended Complaint" and the caption No. 20-3493. If Schurawlow files an amended complaint, his amended complaint must be a complete document that includes all the bases for his claims, including claims that the court has not yet dismissed if he seeks to proceed on those claims. Claims that are not included in the amended complaint will not be considered part of this case. When drafting his amended complaint, Schurawlow should be mindful of the court's reasons for dismissing his claims as explained in the court's memorandum opinion. Upon the filing of an amended complaint, the clerk of court shall not make service until ordered by the court;

7. If Schurawlow does not file an amended complaint within the time set in paragraph 6 of this order, the court will direct service of his initial complaint on the defendants, Amanda Benner and Dr. Deborah Wilson, only. Schurawlow may also notify the court that he seeks to

proceed on these claims rather than file an amended complaint. If he files such a notice, Schurawlow is reminded to include the case number for this case, No. 20-3493; and

8. The time to serve process under Rule 4(m) of the Federal Rules of Civil Procedure is **EXTENDED** to the date 90 days after the court issues summonses in this case, if summonses are issued.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.